

House Bill 536

By: Representatives Weldon of the 3rd, Williams of the 4th, and Neal of the 1st

A BILL TO BE ENTITLED
AN ACT

To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, so as to provide for the regulation of private emergency warning point to multipoint systems by the Public Service Commission; to define certain terms; to provide for audits; to provide for immunity from liability for failure to deliver information over an emergency warning point to multipoint system; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-1-1, relating to definitions, exclusions, and certain rules, by revising paragraph (5.1) and adding new paragraphs to read as follows:

"(5.1) 'Emergency warning point to multipoint system' means an emergency warning point to multipoint, geographic messaging system that is:

(A) Owned, controlled, or offered by a private company, individual, firm, partnership, or association; and

(B) Operated in whole or in part in this state utilizing:

(i) The FM 57 kHz Radio Broadcast Data System standard and a codeable, programmable receiver; or

(ii) The FM broadcast band generally and a codeable, programmable receiver.

(5.2) 'Emergency warning point to multipoint system provider' means a private company providing emergency warning point to multipoint system services to the public.

(5.3) 'Emergency warning point to multipoint system services' means the provision of an emergency warning point to multipoint system to the public, including but not limited to the wireless addresses for delivery, testing, and monitoring over the FM broadcast band.

(5.4) 'Exempt rideshare' means:

(A) Government endorsed rideshare programs;

(B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the rideshare participants pool or otherwise share, rideshare costs such as fuel; or

(C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's business, for rideshare purposes as part of a government endorsed rideshare program, or for rideshare under a contract requiring compliance with subparagraph (B) of this paragraph."

SECTION 2.

Said title is further amended by adding a new Code section to read as follows:

"46-2-22.1.

All emergency warning point to multipoint systems shall be under the jurisdiction and control of the commission, which shall have full power to regulate and determine just and reasonable rates and charges to be made by any emergency warning point to multipoint system provider for any service performed by such provider."

SECTION 3.

Said title is further amended by adding a new chapter to read as follows:

"CHAPTER 12

46-12-1.

(a) At least once every five years, the commission shall cause to be performed a management audit of each emergency warning point to multipoint system provider to determine whether it is being managed in an efficient and effective manner.

(b) The management audit provided for in this Code section shall be performed by a qualified and reputable management auditor of national reputation, to be selected by the commission from a list of not less than three such auditors made up by mutual agreement of the commission and the emergency warning point to multipoint system provider. The management auditor shall report the results of the audit to the commission.

(c) In the event that the commission and the emergency warning point to multipoint system provider are unable to agree on a list of management auditors, either party may petition the Superior Court of Fulton County to select, within 30 days of filing, such a list after a hearing on the petition.

(d) The audited emergency warning point to multipoint system provider shall pay for the management audit. The cost of the management audit shall be recognized by the

60 commission as an operating expense of the emergency warning point to multipoint system
61 provider; and the emergency warning point to multipoint system provider's rates shall be
62 fixed by the commission to recover this retail expense amortized over such period as the
63 commission may direct.

64 46-12-2.

65 Municipal corporations, counties, consolidated governments, or any other political
66 subdivision of the state or any department or agency thereof shall not be required to utilize
67 the services of an emergency warning point to multipoint system. Municipal corporations,
68 counties, consolidated governments, or any other political subdivision of the state or any
69 department or agency thereof utilizing the services of an emergency warning point to
70 multipoint system and emergency warning point to multipoint system providers shall not
71 be liable for failure to deliver information over an emergency warning point to multipoint
72 system, except in the case of gross negligence."

73 **SECTION 4.**

74 All laws and parts of laws in conflict with this Act are repealed.